

Paper Structure

- **The Gender Recognition Act: Conceptual Shifts and Medical Hangovers**
 - **A Step in the Right Direction. “But it will not change everything.”**
- **Rejecting Binary Frameworks: A Case Study of the Rejection of ‘Recognition’**

- [to be misrecognised is to] be denied the status of a full partner in social interaction and to be prevented from participating as a peer in social life as a consequence of institutionalized patterns of cultural value that constitutes one as comparatively unworthy of respect (Fraser, 2003: 27).

- Freedom, [...], liberties, rights.
Recognition to treat people [...] who have been born with an identity problem. [...]
And, in terms of history, anything that sort of grants liberties to people, who previously have not had the same rights as anybody else, I think can only be a good thing (Benjamin).

- I saw the GRC as a bit of proof, a bit of legal proof and formal proof of proper status basically. Because, like I said, I have always been female (Fleur).

- I don't think necessarily that the requirement for medical referrals is a problem with the Act, in many ways it gives the general public confidence that people who are, given the government stamp of approval in this way, are actually people who do have a genuine condition and not somebody who's just having a laugh. Now there are issues there obviously with people who do want to live their lives gender-free or swapping from one gender to another as the mood takes them. But leaving that aside, erm, the fact that you have to have a certain amount of medical approval gives the public confidence and that will be good in terms of taking things forward, in getting better acceptance for the trans-people in the community (Charlene).

- [Transsexuals have] gone from being socially unacceptable to something that is sanctioned by the government. And that makes a big difference for many people. Whereas previously they thought I was some sort of crazy. Now Parliament is saying I'm perfectly all right, and there are many other people like me, and that's a good thing (Charlene).

- I do think it's improved the quality of my life to a level I could never have thought possible. So I mean, there's a massive amount of gratitude to them people that's done it (Amelie).

- the whole idea of the Act is that for me it's almost a psychological...it's a principle, almost to say, 'hey, listen, if you do this you're protected.' And, ok there'll be teething problems with it, and people will raise issues, but you know there's a framework there that you can move in, to get the test cases. It's all backed up there by the Human Rights Court and you think, 'yeah, wow, this is the way it should be' (Amelie).

- to whom the disclosure [of the former identity] is made will not be able to disclose the information to a third person in reliance on section 22(4)(c) of the Act (OPSI, 2004).
- where the person making it *does not know or believe* that a full gender recognition certificate has been issued (OPSI, 2004 emphasis added).

- It was never meant to change everything
(Charlene)

- it [GRA] creates a sense of formality, a sense of acceptance that with time will result in a reduction of prejudice within society as a whole (Charlene).

I was not encouraged by the fact the proposed legislation appeared to exclude so many people, including me. [...] There did not appear to be any follow-up plan or intention insofar as I could see to help those groups who would receive no benefit from the GRA. Once the GRA became law, these fears were truly confirmed and it was as though the shutters had come down. I felt there was no further interest on the part of those who had fought to get the GRA on the statute book in securing same legal rights for others within the "transgendered" umbrella. Transpeople who were let down by GRA already suffered a much greater level of social marginalization when compared with those who benefited.

(Christie)

I could only successfully apply for gender recognition if I were to identify within the gendered societal construct and also having been through the relevant statutory procedures and met the criteria as stated within the GRA. The GRA has made no positive impact on my life and I have felt until fairly recently that I was in a worse position than before, as the GRA at least appeared to offer some hope of a better future for everybody but this was clearly never the intention

(Christie)

The law does not recognise human existence outside the gendered societal structure [...] Many transpeople, including some transsexuals, do not meet the criteria to have their birth certificate amended under the statutory terms of the GRA. For a successful application, the applicant should have undergone, or partly undergone, gender reassignment through a recognised gender clinic with the intention of living full time within their chosen gendered role.

The GRA opens up citizenship rights for transsexuals who can tick all the right boxes [...] preferably heterosexual within their chosen gendered role and able to blend into gendered society without much risk of being 'read'. The GRA does not benefit any 'transgendered' individual who does not identify as either 100% male or 100% female. The Act does not benefit anyone who is transsexual but, for whatever reason, does not live full time within their chosen gendered role. The GRA does not benefit transsexuals who, for whatever reason, choose not to interact with the gender clinics. The Act does not benefit anyone whose case is not accepted by the medical profession as having fulfilled the criteria to undergo reassignment treatment.

(Christie)